

1 OF 7

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2008 FEB 13 P 2:56

DERRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ALONZO AUSTIN

Plaintiff

V.

CITY OF TUSKEGEE et al.)

Defendants

CASE Number

3:07-CV-754 MHT

PLAINTIFF MOTION FOR ORDER COMPELLING
DISCLOSURE OR DISCOVERY (RULE 37)

COMES NOW, Plaintiff, ALONZO AUSTIN, and
Moves this Honorable Court to Compel the
Defendants, The City of Tuskegee et al.
to Comply with its Scheduling Order
of October 29, 2007, allowing Discovery
until January 30, 2008, and therefore
cites the following reasons:

(a) Pursuant to Rule 37(a) A party, may
upon reasonable Notice to other parties
and all other persons affected thereby,
May apply for an Order Compelling
disclosure or discovery as follows:

(1) Appropriate Court. An application for an order

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to a party shall be made to the Court in which the action is pending.

(2) Motion:

(A) IF a party fails to make a disclosure required by Rule 26(a) any party may move to compel disclosure and for appropriate sanctions. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure disclosure without court action. Please see: attached as Exhibit 10 (Composite), containing Certification.

(3) Plaintiff, did file his Rule 33 and 34 Interrogatories and production of Document responses in the Court on January 4, 2008, and on January 8, 2008, Defendant's received same via Certified Mail. See: attached (Copy of return receipt date 1/8/08)

THEREFORE, Plaintiff, request that Defendant's, be compel by Court order to mail to Plaintiff its responses to my interrogatories and production of Documents requested on January 4, 2008.

Respectfully Submitted.

by Alonso Quintero pro.

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Alonzo Austin

by ~~Alonzo Austin Pro Se~~

ALONZO AUSTIN

1321 Oliver-Carlis Rd.

Tuskegee, AL 36083

Ph# (334) 727-5476

CERTIFICATE OF SERVICE

I do hereby Certify that I have this day
Served a Copy of the foregoing Document's
Upon

CITY OF TUSKEGEE et, AL.

c/o NIX HOLTSFORD HIGGINS GILLIAND & HILTON
P.O. Box 4128

Montgomery, AL 36103-4128

by depositing Same in the U.S. Mail, Postage Prepaid on the
13th day of January, 2008.

by ~~Alonzo Austin Pro Se~~
~~Alonzo Austin Pro Se~~

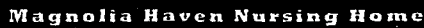
ALONZO AUSTIN

1321 Oliver-Carlis Rd.

Tuskegee, AL 36083

Ph# (334) 727-5476

Exhibit 10 (1)
(composite)



Fax Transmittal Form

From: ALONZO Austin

Phone: 334-727-4960
Fax: 334-727-2159

Date: 2-8-08

Number of pages including cover page: 2

- Message:**

"This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via U.S. Postal Service. Thank you."

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TRANSMISSION VERIFICATION REPORT

Exhibit 10(2)

TIME : 02/08/2008 15:27
 NAME : MAGNOLIA HAVEN
 FAX : 3347272159
 TEL : 3347274960
 SER. # : BR015J384804

DATE, TIME	02/08 15:26
FAX NO. /NAME	13342157101
DURATION	00:00:55
PAGE(S)	02
RESULT	OK
MODE	STANDARD
	ECM

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via U.S. Postal Service. Thank you.

Message:

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

Fax number:

Number of pages including cover page: 2

Re: 4-8-08 Date:

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Exhibit 10 (3)

~~February~~ 8, 2008

ALONZO AUSTIN Foy # (334) 727-2159
1321 Oliver - Carlis Rd.
Tuskegee, AL. 36083

Via Facsimile (334) 215-7101
ATTN: MR. MARK DICES.

NIX HOLTSFORD GILLIAND HIGGINS & HITSUM P.C.
ATTORNEY AT LAW.
P.O. Box 4128
Montgomery, AL. 36103

Dear Sir:

Re: Austin v. City of Tuskegee, et AL.

Case # 3:07-cv-754 MHT,
in the UNITED STATES COURT For the
Middle District of Alabama, Eastern
Division

Pursuant to F.R.C.P. 37, I am serving
you Notice that as of this date I
have not received your responses to
my Rule 33 Interrogatories and Rule 34
production of Documents. Please do so
by the 12th of February, 2008, or I will
file a motion to Compel Same on
Wednesday February 13th 2008.

Sincerely, Alonzo Austin

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UNITED STATES POSTAL SERVICE

MONTGOMERY AL 361

08 JAN 2008 PM 1 T

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

ALONZO AUSTIN
1321 Oliver-Carlis Rd.
Tuskegee, AL, 36083

733 R003



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF TUSKEGEE, et al.
 % NIX HOLTSFORD
 GILLIAND HIGGINS & HATSON
 P.O. Box 4128
 Montgomery, AL 36103-4128

2. Article Number (Copy from sender's label)

7006 0810 0006 3031 9772

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Share Madaris

B. Date of Delivery

1-8-08

C. Signature

X

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes